REMARKS

Applicant hereby traverses the current objections and rejections, and requests reconsideration and withdrawal in light of the amendments and remarks contained herein. Claims 1-20 are pending in this application.

Objection to the Claims

Claims 1, 10-11, 17, and 19-20 are objected to for informalities listed on page 2 of the Office Action. In response, Applicant has amended claims 1, 10, and 17 to recite "to provide" and claims 1 and 17 to recite "configured to" in accordance with the suggestions provided on page 2 of the Office Action. Applicant notes that claim 10 does not recite "to provide", claim 11 does not recite "operable to", and claim 20 does not recite "processed infonnation [sic]", and thus the corresponding suggested amendments have not been made. Also the suggested amendments to claims 17, 19, and 20 have not been made as these amendments would result in grammatically incorrect phrases. For example, amending "code for registering" in claim 17 to "code to registering" is grammatically incorrect. The claims have been amended only for the purpose of resolving the cited informalities, and not for the purpose of narrowing their scope in the face of prior art. No new matter has been entered. As these amendments or arguments address the recited informalities, Applicant respectfully requests the withdrawal of the objection of record.

Rejection Under 35 U.S.C. § 101

Claims 1, 10, and 17-20 are rejected as being directed to non-statutory subject matter.

The Office Action states that claims 10 and 17 are software per se, and therefore non-statutory subject matter. The Office Action does not discuss claim 1 specifically. Applicant presumes that the Office Action intended to include claim 1 with the discussion of claims 10 and 17. In any event, it is well settled that computer programs are often recited as part of claims, and are patentable, see the Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, OG Notices 22 November 2005, annex IV, section (a). The OG Notice directs Examiners to determine whether the computer program is being claimed as part of

an otherwise statutory manufacture, machine, or process claim. In such a case, the claim remains statutory irrespective of the fact that a computer program is included in the claim. The Notice states that only when the claimed invention taken as a whole is directed to a mere program listing, i.e., to only its description or expression, is it descriptive material per se and hence non-statutory. In this case, claim 1 is directed to a method to provide a service, claim 10 is directed to a system to provide modular software, and claim 17 is directed to a computer readable medium. Each of these claims is not a mere program listing, and therefore is directed to statutory subject matter.

The Office Action then states that claims 17-20 define nonfunctional descriptive material that is stored on a computer readable medium. Applicant respectfully disagrees. Specifically, Applicant asserts that the subject matter of claims 17-20 is functional in nature, and not nonfunctional. The Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility, OG Notices 22 November 2005, annex IV, section (b) provides examples of nonfunctional descriptive material such as music, literature, art, photographs and mere arrangements or compilations of facts or data. The subject matter of claims 17-20 is functional, for example claim 17 includes code for registering a proxy service in said controlled run-time environment, which performs a function, namely registering a proxy service in said controlled run-time environment. Therefore, claims 17-20 are directed to statutory subject matter.

Consequently, Applicant submits that claims 1 and 10, and their dependent claims, and claims 17-20 are directed to statutory subject matter under 35 U.S.C. § 101.

Rejection Under 35 U.S.C. § 112

Claims 1, 10, and 17 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Specifically, the words "service" in claims 1, 10, and 17 is asserted by the Office Action as being unclear. The Office Action does not list claim 10 specifically. Applicant presumes that the Office Action intended to include claim 10 with the listing of claims 1 and 17.

In response, Applicant has amended claims 1 and 17 to change "said service" to "said proxy service". The claims have been amended only for the purpose of complying with the requirements of 35 U.S.C. § 112, second paragraph, and not for the purpose of narrowing their scope in the face of prior art. No new matter has been entered. Applicant believes that there is no ambiguity in claim 10 that requires clarification by amendment. The preamble of claim 10 defines a "modular software service", while the body of the claim recites a "service registry means", a "proxy service means", and a "local service". Each service is properly defined and used. As each element of indefiniteness cited by the Office Action has been addressed with a corresponding amendment or argument, Applicant respectfully requests the rejection of claims 1, 10, and 17 under 35 U.S.C. § 112, second paragraph be withdrawn.

Rejection Under 35 U.S.C. § 102

Claims 1-20 are rejected under 35 U.S.C. § 102(b) as being anticipated by Robertson et al. (US Application 2002/0174191, hereinafter Robertson).

It is well settled that to anticipate a claim, the reference must teach every element of the claim, see M.P.E.P. § 2131. Moreover, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim," see M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a prior art reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the . . . claim," see M.P.E.P. § 2131, citing Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully asserts that the rejection does not satisfy these requirements.

Claim 1 defines a method to provide a service in a controlled run-time environment that includes receiving service information by said proxy service from a local service executing in said controlled run-time environment via an interface method of said proxy service. Robertson does not disclose at least these limitations. The Office Action equates element 910A of Robertson as the claimed proxy service. The Office Action then states that the claimed receiving

is disclosed by paragraph [0219] of Robertson. However, this paragraph is discussing repository 926 receiving information, not element 910A. Consequently, the limitation of receiving service information by said proxy service is not disclosed in paragraph [0219] of Robertson. Thus, Robertson does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 1 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 10 defines a system to provide a modular software service that includes means for receiving service information by said proxy service means from a local service executing in said controlled run-time environment means. Robertson does not disclose at least these limitations. The Office Action equates element 910A of Robertson as the claimed proxy service means. The Office Action then states that the claimed means for receiving is disclosed by paragraph [0219] of Robertson. However, this paragraph is discussing repository 926 receiving information, not element 910A. Consequently, the limitation of means for receiving service information by said proxy service means is not disclosed in paragraph [0219] of Robertson. Thus, Robertson does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 10 is patentable over the 35 U.S.C. § 102 rejection of record.

Claim 17 defines a computer-readable medium that comprises executable instructions to provide a service in a controlled run-time environment that includes code for receiving service information by said proxy service from a local service executing in said controlled run-time environment via a method of said proxy service. Robertson does not disclose at least these limitations. The Office Action equates element 910A of Robertson as the claimed proxy service. The Office Action then states that the claimed code for receiving is disclosed by paragraph [0219] of Robertson. However, this paragraph is discussing repository 926 receiving information, not element 910A. Consequently, the limitation of code for receiving service information by said proxy service is not disclosed in paragraph [0219] of Robertson. Thus, Robertson does not teach all of the claimed limitations. Therefore, the Applicant respectfully asserts that for the above reasons claim 17 is patentable over the 35 U.S.C. § 102 rejection of record.

Claims 2-9, 11-16, and 18-20 depend from base claims 1, 10, and 17, respectively, and thus inherit all limitations of their respective base claim. Each of claims 2-9, 11-16, and 18-20 sets forth features and limitations not recited by Robertson. Thus, the Applicant respectfully asserts that for the above reasons claims 2-9, 11-16, and 18-20 are patentable over the 35 U.S.C. § 102 rejection of record.

Conclusion

In view of the above amendments and arguments, Applicant believes the pending Application is in condition for allowance.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.
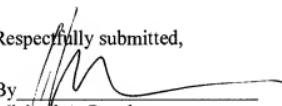
Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 100202433-2 from which the undersigned is authorized to draw.

Dated: March 8, 2007   Respectfully submitted,

                                              By_____
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